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SENATE

{ REPORT
No. 42

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO EMPLOY ADDITIONAL PERSONNEL FROM FEBRUARY 1, 1951, TO JANUARY 31, 1952, AND INCREASING THE LIMIT OF EXPENDITURES

JANUARY 25 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. HAYDEN, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. Res. 6]

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 6) authorizing the Committee on the Judiciary to employ additional personnel and increasing the limit of expenditures having considered the same, report favorably thereon without amendment, and recommend that it be agreed to by the Senate.

As of January 1, 1951, there was a balance of \$8,232.72 remaining from funds (\$80,000) previously authorized by Senate Resolution 228, Eighty-first Congress, agreed to February 27, 1950. The chairman of the Committee on the Judiciary informs your committee that this balance will be completely expended by January 31, 1951.

A letter from the chairman of the Committee on the Judiciary explaining the need for the funds authorized by this resolution (S. Res. 6) and a memorandum reviewing the workload of the Judiciary Committee follow:

Hon. CARL HAYDEN,

*Chairman, Committee on Rules and Administration,
United States Senate, Washington, D. C.*

DEAR SENATOR HAYDEN: Your attention is respectfully invited to the enclosed memorandum which I have prepared respecting Senate Resolution 6, which was unanimously approved by the Committee on the Judiciary on January 17, 1951.

In view of the fact that the funds provided to the committee pursuant to Senate Resolution 228 of the Eighty-first Congress will be exhausted on the 31st of this month, it is of the utmost urgency that Senate Resolution 6 be given the earliest possible consideration by your committee.

In my judgment the proposed budget, which is attached to the memorandum, represents a bare minimum in order for the committee to discharge its duties under the Legislative Reorganization Act.

If there is any further information you may need in the consideration of the matter, I shall be pleased to supply it to you promptly.

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I am also enclosing a copy of a memorandum which sets forth the work and workload of the Senate Committee on the Judiciary during the Eighty-first Congress.

With kindest regards and best wishes, I am,

Sincerely,

PAT McCARRAN,
Chairman, Committee on the Judiciary.

MEMORANDUM

Senate Resolution 6, which provides \$97,000 additional funds to the Committee on the Judiciary for a 1-year period, is needed principally to maintain the Subcommittee on Immigration and Naturalization. The subcommittee has been maintained exclusively by funds provided by special resolutions since the first session of the Eightieth Congress, which was the first Congress operating under the Legislative Reorganization Act.

INVESTIGATION OF IMMIGRATION AND NATURALIZATION SYSTEMS

From July 26, 1947, until March 1, 1950, the subcommittee expended approximately one-quarter of a million dollars in an investigation of the immigration and naturalization systems of the United States. On April 20, 1950, there was filed with the Senate Report No. 1515, which is a comprehensive report of approximately 1,000 pages and there was introduced in the Senate S. 3455, an omnibus bill, which is a revision and codification of all of the immigration and naturalization laws.

Upon completion of the investigation the subcommittee staff, which had also been handling the regular legislative work of the subcommittee, was substantially reduced, but a sufficient force was retained to service the subcommittee in its regular legislative work. For a period of 11 months, ending January 31, 1951, the subcommittee has been operating from funds supplied under Senate Resolution 228 of the Eighty-first Congress, which allocated \$80,000 to the Committee on the Judiciary.

WORKLOAD OF THE SUBCOMMITTEE

Since the beginning of the Eightieth Congress, which, as previously pointed out, was the first Congress operating under the Legislative Reorganization Act, there has been a substantial and ever-increasing workload on the Immigration and Naturalization Subcommittee.

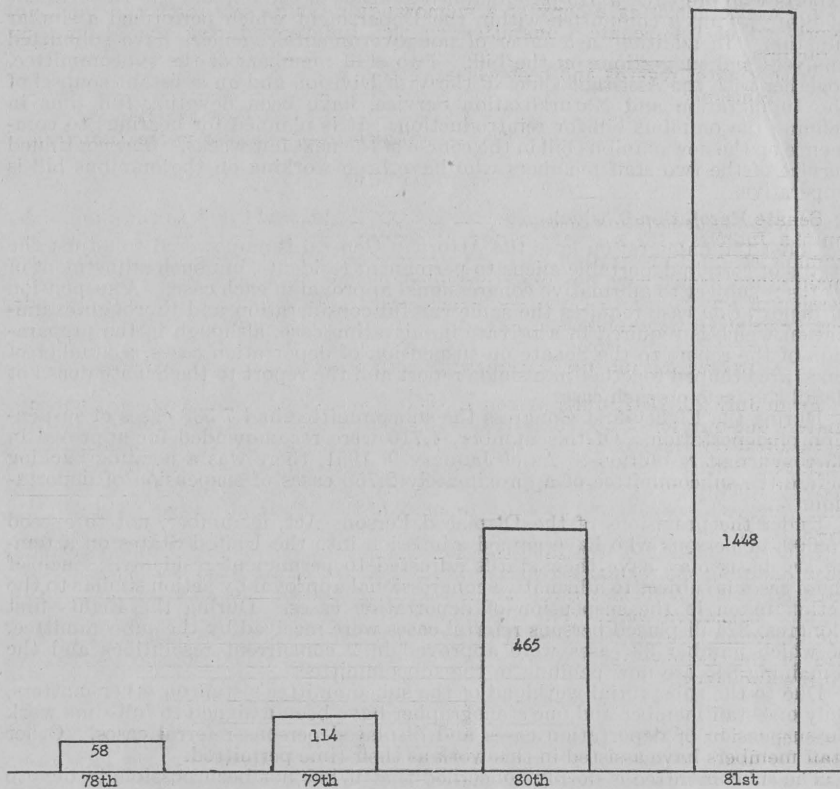
PRIVATE IMMIGRATION AND NATURALIZATION BILLS

As shown in the chart following, the number of private immigration and naturalization bills referred by the Senate had progressively increased from 58 in the Seventy-eighth Congress, to 114 in the Seventy-ninth Congress, to 465 in the Eightieth Congress, to 1,448 in the Eighty-first Congress. Of the 1,448 private immigration or naturalization bills which were referred to the Committee on the Judiciary during the Eighty-first Congress, 1,239 were disposed of, of which number 639 were reported favorably to the Senate, and 600 were indefinitely postponed.

It is roughly estimated that the time devoted by a staff member to the average private bill is approximately 3 hours. In a typical case this involves:

- (a) Docketing of the case and preparation of the file;
- (b) Solicitation of reports from Government agencies, sponsor, and interested parties;
- (c) Interview of interested parties, study of reports and other information, and preparation of résumé of the facts for the subcommittee;
- (d) Discussion of case with the subcommittee, and thereafter in the full committee;
- (e) Preparation of report to the Senate on the case if committee action is favorable;
- (f) Preparation of letter to sponsor if committee action is unfavorable;
- (g) Transmission of information on Senate bills to the House Committee on the Judiciary.

Many private bills are indefinitely postponed because the committee has a general policy to disapprove private bills in cases in which an administrative remedy appears to be available. In this type of case the staff assists the Senator's office in working out the administrative remedy for the alien involved.



Comparative chart showing the number of private immigration or naturalization bills referred by the Senate during the 78th, 79th, 80th, and 81st Congresses.

It is roughly estimated that 4,000 hours of staff time were devoted during the Eighty-first Congress to work on private immigration or naturalization cases. This accounts for the full-time service of two staff members plus the service of two stenographers. Although it is probable that the number of private immigration or naturalization bills will increase during the Eighty-second Congress no additional funds are requested to handle this probable increased workload.

GENERAL IMMIGRATION AND NATURALIZATION BILLS (OTHER THAN THE OMNIBUS BILL)

There were referred to the Committee on the Judiciary 65 general immigration or naturalization bills during the Eighty-first Congress; 57 of these bills were disposed of, of which number 13 were reported favorably to the Senate and 44 were indefinitely postponed. Over 2,000 pages of testimony were taken in hearings on these bills. It is roughly estimated that 4,000 hours of staff time were devoted during the Eighty-first Congress to work on general immigration or naturalization bills. This accounts for the full-time service of two staff members plus the service of a stenographer, and is in addition to the work hereinafter described on the omnibus bill, which is a revision and codification of all the immigration and naturalization laws.

The omnibus bill

After the introduction of the omnibus bill, which incorporates thousands of provisions from hundreds of prior immigration or naturalization laws, copies of the bill were circulated to interested governmental and nongovernmental agencies for study and comment. The Immigration and Naturalization Service assigned 2

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experts who prepared a 525-page detailed analysis of the bill and the Department of State set up a committee within the Department which performed a similar function. In addition, a number of nongovernmental agencies have submitted analyses and suggestions on the bill. Two staff members of the subcommittee, together with the Assistant Chief of the Visa Division and an assistant counsel of the Immigration and Naturalization Service, have been devoting full time in refining the omnibus bill for reintroduction. It is planned for hearings to commence on the new omnibus bill in the course of the next few weeks. The continued service of the two staff members who have been working on the omnibus bill is imperative.

Suspension of deportation cases

Under the immigration laws the Attorney General is empowered to adjust the status of certain deportable aliens to permanent residents, but such adjustment of status is subject to affirmative congressional approval in each case. A suspension of deportation case requires the same careful consideration and thorough examination which is required in a private immigration case, although in the preparation of the report to the Senate on suspension of deportation cases, a number of cases are grouped together in a single report and the report to the Senate does not detail the facts on each case.

During the Eighty-first Congress the subcommittee had 7,538 cases of suspension of deportation. Of this number, 4,716 were recommended for approval in 33 concurrent resolutions. As of January 9, 1951, there was a pending backlog before the subcommittee of approximately 2,750 cases of suspension of deportation.

Under the provisions of the Displaced Persons Act, a number, not to exceed 15,000, of persons who have gained admission into the United States on a temporary basis may have their status adjusted to permanent residents. Each of these cases is subject to affirmative congressional approval by action similar to the action taken in the suspension of deportation cases. During the Eighty-first Congress 874 displaced persons referral cases were received by the subcommittee, of which number 33 cases were approved in 2 concurrent resolutions and the remaining 845 are now pending in the subcommittee.

Due to the substantial workload of the subcommittee's staff on other matters, only one staff member and one stenographer have been assigned to full-time work on suspension of deportation cases and displaced persons referral cases. Other staff members have assisted in this work as their time permitted.

The subcommittee is deeply concerned that it has not been possible to devote the necessary time for a more thorough screening of these cases. In the omnibus bill it is provided that the only suspension of deportation cases that shall require affirmative congressional approval are those cases involving deportable aliens who were at any time in the subversive, immoral, or criminal classes. It is felt that more time could thus be devoted by the staff in the screening of those cases which might possibly represent a threat to our internal security.

Surveillance of immigration system

In keeping with its duties under the Legislative Reorganization Act, the subcommittee has maintained a watchful eye over the administration and operation of the immigration system.

Typical of the work of the subcommittee in this respect is the following: It was brought to the subcommittee's attention that an administrative waiver had been granted by the Department of State of documentation of Cuban nationals who sought admission into the United States from Cuba for periods of less than 29 days. The subcommittee investigated this situation and discovered that the administrative waiver had opened a loophole for thousands of aliens, including subversives, to illegally enter the United States via Cuba. The subcommittee promptly took the matter up with the officials of the Immigration and Naturalization Service and the Visa Division of the Department of State. The waiver was revoked and the requirement for documentation was reinstated.

Referral items and correspondence

The subcommittee has an extensive workload of referral items and correspondence which cannot be statistically appraised but which necessitates considerable work, and accounts for the full time services of one staff member and two stenographers.

Comparative budgets

The budget of the subcommittee for 11 months, pursuant to Senate Resolution 228, amounted to \$80,000 which will be exhausted on January 31, 1951. The subcommittee staff consists of eight staff members and five stenographers.

Although it is probable that the workload will increase during the first session of the Eighty-second Congress, it is not contemplated that there will be any additions to the staff. The proposed budget for a 1-year period is \$97,000. This represents an increase in the budget on an annual basis of approximately \$9,700, which is attributed to salary adjustments.

Proposed budget, Standing Immigration and Naturalization Subcommittee, Senate Committee on the Judiciary, Feb. 1, 1951, through Jan. 31, 1952

STAFF EXPENSE

Position	Number	Base salary	Gross salary	Monthly salary	Total for period
Staff director.....	1	\$7,320.00	\$10,846.00	\$903.83	\$10,846.00
Attorney.....	5	5,220.00	8,024.17	668.68	40,120.85
Research clerk.....	2	4,920.00	7,609.41	634.11	15,218.82
Stenographer.....	5	3,120.00	5,023.41	418.61	25,117.05
Total staff expense.....					91,302.72

NONSTAFF EXPENSE

Contingent fund.....	\$900.00
Travel.....	3,797.28
Stationery.....	400.00
Telephone and telegraph.....	600.00
Total nonstaff expense.....	5,697.28

RECAPITULATION

Total staff expense.....	91,302.72
Total nonstaff expense.....	5,697.28
Total expense.....	97,000.00



